

MINUTES

MONTANA HOUSE OF REPRESENTATIVES 65th LEGISLATURE - REGULAR SESSION

JOINT APPROPS SUBCOM ON JUDICIAL BRANCH, LAW ENFORCEMENT, AND JUSTICE

Call to Order: Chair Randy Brodehl, on February 17, 2017 at 8:00 AM, in Room 317A
Capitol

ROLL CALL

Members Present:

Rep. Randy Brodehl, Chair (R)
Sen. Ryan Osmundson, Vice Chair (R)
Rep. Kimberly Dudik (D)
Sen. David Howard (R)
Rep. Ryan Lynch (D)
Rep. Jimmy Patelis (R)
Sen. Cynthia Wolken (D)

Members Excused: None

Members Absent: None

Staff Present: Greg DeWitt, Legislative Branch
Alex Gray, Committee Secretary

Audio Committees: These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

Committee Business Summary: Executive Action on remaining agencies.

EXECUTIVE ACTION ON REMAINING AGENCIES

00:00:03 Chair Brodehl

00:01:24 Greg Dewitt, Legislative Fiscal Division (LFD)

00:03:14 Chair Brodehl

00:03:33 Greg Dewitt, LFD

00:03:41 **Motion/Vote:** Sen. Osmundson moved that **STAFF BE GIVEN AUTHORITY TO ADJUST DP53 AS REPORTED OUT OF SECTION A SUBCOMMITTEE AND REPORT BACK TO SECTION D SUBCOMMITTEE ON THE CHANGES BE ADOPTED.** Motion carried unanimously by voice vote.

Judicial Branch:

00:04:06 **Motion:** Sen. Osmundson moved to **RECONSIDER THE MOTION** on **DP8** in the **Supreme Court Operations Program.**

Discussion:

00:04:27 Rep. Dudik

00:04:45 Chair Brodehl

00:05:27 **Vote:** Motion carried unanimously by voice vote.

00:05:46 **Motion/Vote:** Sen. Osmundson moved that **FUNDING FOR DP8 BE REDUCED TO \$44,481 IN FY 2018 AND TO \$44,507 IN FY 2019, INCLUDING REDUCING THE FTE FROM 1.00 FTE TO 0.50 FTE BE ADOPTED.** Motion carried unanimously by voice vote.

00:06:11 **Motion:** Sen. Osmundson moved to **RECONSIDER THE MOTION** on **DP14** in the **District Court Operations Program.**

Discussion:

00:06:26 Rep. Dudik

00:06:46 Greg Dewitt, LFD

00:07:04 Chair Brodehl

00:07:27 **Vote:** Motion carried unanimously by voice vote.

00:07:37 **Motion/Vote:** Sen. Osmundson moved that **FUNDING BE REMOVED IN FY 2018 FOR DP14 AND TO REDUCE FUNDING IN FY 2019 TO \$810,362 AND TO ADJUST THE FTE IN FY 2019 TO 11.00 FTE TO FUND 3 JUDGES, 3 COURT REPORTERS, 3 JUDICIAL ASSISTANTS, AND 2 LAW CLERKS FOR BILLINGS AND 1 JUDGE FOR MISSOULA WITH NEW JUDGES TO START JANUARY 1, 2019 BE ADOPTED.** Motion carried unanimously by voice vote.

00:08:16 **Motion:** Sen. Osmundson moved that **DP501 TO ADD \$930,00 GENERAL FUND EACH YEAR TO FUND COURT APPOINTED SPECIAL ADVOCATES AND GUARDIAN AD LITEM COSTS. FURTHER MOVE TO DESIGNATE FUNDING AS BIENNIAL BE ADOPTED.**

Discussion:

00:09:02 Rep. Dudik

00:09:13 **Vote:** Motion carried unanimously by voice vote.

00:09:26 **Motion:** Sen. Osmundson moved that **DP557 TO ADD \$573,364 GENERAL FUND EACH YEAR TO FUND JURY COSTS BE ADOPTED.**

Discussion:

00:09:55 Sen. Wolken

00:10:03 Greg Dewitt, LFD

00:10:22 **Vote:** Motion carried unanimously by voice vote.

Crime Control Division:

00:10:38 **Motion:** Sen. Osmundson moved to **RECONSIDER THE MOTION** on **DP557 Crime Control Division.**

Discussion:

00:10:53 Rep. Dudik

00:11:00 Chair Brodehl

00:11:17 **Vote:** Motion carried unanimously by voice vote.

00:11:35 **Motion/Vote:** Sen. Osmundson moved that **DP557 NOT BE INCLUDED IN THE CRIME CONTROL DIVISION PROGRAM BE ADOPTED.** Motion carried unanimously by voice vote.

Department of Justice:

00:11:51 **Motion:** Sen. Osmundson moved to **RECONSIDER THE MOTION** on **DP557 Motor Vehicle Division.**

Discussion:

00:12:04 Rep. Dudik

00:12:19 Greg Dewitt, LFD

00:12:50 Rep. Dudik

00:13:03 **Vote:** Motion carried unanimously by voice vote.

00:13:20 **Motion/Vote:** Sen. Osmundson moved that **DP557 TO INCREASE THE GENERAL FUND TO \$131,961 IN FY 2018 AND TO \$131,960 IN FY 2019 IN THE MOTOR VEHICLE DIVISION BE ADOPTED.** Motion carried unanimously by voice vote.

00:13:43 **Motion:** Sen. Osmundson moved to **RECONSIDER THE MOTION on LANGUAGE STATING "THE NATURAL RESOURCE DAMAGE PROGRAM SHALL USE MAJOR LITIGATION FUNDS AVAILABLE TO THE DEPARTMENT OF JUSTICE TO INITIATE, INVESTIGATE AND PURSUE NECESSARY LEGAL ACTION IN CURRENT AND NEWLY DAMAGED SITES".**

Discussion:

00:14:20 Vice Chair Osmundson
00:15:01 Chair Brodehl
00:15:18 Vice Chair Osmundson
00:15:24 Rep. Dudik
00:15:32 Vice Chair Osmundson
00:15:56 Greg Dewitt, LFD
00:16:26 Rep. Dudik
00:16:45 Rep. Lynch
00:17:08 Liz Bangerter, Department of Justice (DOJ)
00:18:25 Rep. Lynch
00:18:39 Liz Bangerter, DOJ
00:18:51 Vice Chair Osmundson
00:19:08 Rep. Dudik
00:20:17 Liz Bangerter, DOJ
00:20:30 Sen. Wolken
00:20:39 Liz Bangerter, DOJ
00:20:59 Chair Brodehl
00:21:51 Sen. Wolken
00:22:13 Chair Brodehl
00:22:21 Liz Bangerter, DOJ
00:23:14 Malissa Williams, Office of Budget and Program Planning (OBPP)
00:23:24 Vice Chair Osmundson
00:23:55 Chair Brodehl
00:24:19 Rep. Lynch
00:25:03 Chair Brodehl

00:25:10 **Vote:** Motion carried 4-3 by voice vote with Rep. Dudik, Rep. Lynch and Sen. Wolken voting no.

00:25:31 **Motion/Vote:** Sen. Osmundson moved that **THE FOLLOWING LANGUAGE BE REMOVED "THE NATURAL RESOURCE DAMAGE PROGRAM SHALL USE MAJOR LITIGATION FUNDS AVAILABLE TO THE DEPARTMENT OF JUSTICE TO INITIATE, INVESTIGATE AND PURSUE NECESSARY LEGAL ACTION IN CURRENT AND NEWLY DAMAGED SITES" BE ADOPTED.** Motion carried 4-3 by voice vote with Rep. Dudik, Rep. Lynch and Sen. Wolken voting no.

00:26:27 Rep. Dudik

Department of Corrections:

- 00:26:33 **Motion/Vote:** Sen. Osmundson moved that **DP3009 FOR \$2,986,064 GENERAL FUND IN FY 2018 AND \$2,987,866 GENERAL FUND IN FY 2019 BE ADOPTED RESTRICTED.** Motion carried unanimously by voice vote.
- 00:27:27 **Motion/Vote:** Sen. Osmundson moved that **DP6005 FOR \$344,314 GENERAL FUND IN FY 2018 AND \$429,708 GENERAL FUND IN FY 2019 BE ADOPTED.** Motion carried unanimously by voice vote.
- 00:28:05 **Motion:** Sen. Osmundson moved that **"DIRECTOR'S OFFICE IS INCREASED \$1,200,000 IN GENERAL FUND MONEY IN FISCAL YEAR 2018 AND BY \$1,200,000 IN GENERAL FUND MONEY IN FISCAL YEAR 2019 AFTER THE GOVERNOR'S BUDGET DIRECTOR HAS CERTIFIED THAT THE DEPARTMENT HAS IMPLEMENTED MEASURES TO REDUCE THE COST TO HOUSE INMATES IN COUNTY JAILS BELOW \$6,296,250 IN EACH FISCAL YEAR OR BELOW AN AVERAGE DAILY POPULATION OF 250 BEDS IN EACH FISCAL YEAR. THE DEPARTMENT IS AUTHORIZED TO ALLOCATE THIS FUNDING AS NEEDED TO ADDRESS BUDGET SHORTFALLS. UPON CERTIFICATION AND ALLOCATION, THE GOVERNOR'S BUDGET DIRECTOR MUST REPORT THE CERTIFICATION AND ALLOCATION TO THE LEGISLATIVE FISCAL ANALYST."**
- "DIRECTOR'S OFFICE CONTINGENT FUNDING MAY BE EXPENDED IN FISCAL YEAR 2018 ONLY AFTER THE BUDGET DIRECTOR CERTIFIES THAT THE DEPARTMENT HAS IMPLEMENTED THE USE OF THE RISK AND NEEDS ASSESSMENTS FOR ALL INDIVIDUALS UNDER DEPARTMENT SUPERVISION. DIRECTOR'S OFFICE CONTINGENT FUNDING MAY BE EXPENDED IN FISCAL YEAR 2019 ONLY AFTER THE BUDGET DIRECTOR CERTIFIES THAT THE DEPARTMENT HAS IMPLEMENTED THE MONTANA INCENTIVE AND INTERVENTION GRID AND THE DEPARTMENT HAS PROVIDED DATA TO THE BUDGET DIRECTOR DEMONSTRATING THE DEPARTMENT HAS USED THE LEAST RESTRICTIVE AND MOST APPROPRIATE SANCTIONS TO MANAGE THE OFFENDER POPULATION"**
- "REDUCE COUNTY JAIL HOLDS - COMMUNITY PLACEMENTS IS RESTRICTED TO PLACING OFFENDERS IN COMMUNITY FACILITIES AND PROGRAMS, INCLUDING BUT NOT LIMITED TO SANCTION OR HOLD BEDS, TRANSITIONAL LIVING PROGRAM SLOTS, ENHANCED SUPERVISION PROGRAM SLOTS, RELAPSE INTERVENTION BEDS, AND CHEMICAL DEPENDENCY TREATMENT BEDS. THE DEPARTMENT SHALL REPORT ON THE PLACEMENT OF INMATES, INCLUDING COUNTY JAIL HOLDS AND COMMUNITY CORRECTIONS PLACEMENTS THAT WOULD HAVE OTHERWISE BEEN COUNTY JAIL HOLDS, TO THE LEGISLATIVE FINANCE COMMITTEE NO LESS THAN TWICE DURING THE 2019 BIENNIUM."**

"IT IS THE INTENT OF THE LEGISLATURE THAT PRESENTENCE INVESTIGATIONS BE USED TO REDUCE THE BACKLOG OF PRESENTENCE INVESTIGATIONS AND TO COMPLETE THEM WITHIN THE STATUTORY TIME FRAMES."

"SECURE CUSTODY FACILITIES INCLUDES FUNDING TO HOUSE INMATES IN COUNTY JAILS. IT IS THE INTENT OF THE LEGISLATURE THAT THE DEPARTMENT OF CORRECTIONS PAY NO MORE THAN \$69 PER DAY TO HOUSE INMATES IN COUNTY JAILS. IT IS FURTHER INTENDED BY THE LEGISLATURE THAT THE DEPARTMENT HOUSE NO MORE THAN 250 INMATES IN COUNTY JAILS BY JANUARY 1, 2018, UNLESS THE BUDGET DIRECTOR AND THE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS JOINTLY DETERMINE THAT THERE IS A NEED TO HOUSE MORE THAN 250 INMATES IN COUNTY JAILS DUE TO PUBLIC SAFETY CONCERNS. FURTHER, IT IS THE INTENT OF THE LEGISLATURE THAT THE DEPARTMENT USE THESE FUNDS TO HOUSE INMATES IN STATE-OWNED FACILITIES TO THE MAXIMUM EXTENT POSSIBLE BEFORE HOUSING THEM IN COUNTY JAILS." BE ADOPTED.

Discussion:

00:28:44 Greg Dewitt, LFD

00:29:16 Chair Brodehl

00:29:27 Vice Chair Osmundson

00:30:45 Chair Brodehl

00:30:56 **Vote:** Motion carried unanimously by voice vote.

00:31:16 Chair Brodehl

00:31:30 Recess

01:07:03 Reconvene

01:07:08 Chair Brodehl

01:07:17 Scott Conrady, Legislative Fiscal Division, LFD

[**EXHIBIT\(jch35a01\)**](#)

[**EXHIBIT\(jch35a02\)**](#)

01:09:24 Vice Chair Osmundson

01:09:40 **Motion:** Sen. Osmundson moved that **WE SEND A RECOMMENDATION TO THE FULL APPROPRIATIONS COMMITTEE TO PROVIDE US WITH A COMPANION BILL FOR SECTION D SUBCOMMITTEE BE ADOPTED.**

Discussion:

01:10:01 Chair Brodehl

01:10:10 **Vote:** Motion carried unanimously by voice vote.

Department of Justice:

01:10:26 **Motion/Vote:** Sen. Osmundson moved that **DP400 TO MOVE MVD OUT OF HRSA FOR -\$3,793,845 HRSA IN FY 2018 AND -\$7,331,813 HRSA IN FY 2019. APPROPRIATING \$4,293,845 TO MVD IN FY 2018 AND \$7,831,813 TO MVD IN FY 2019 BE ADOPTED.** Motion carried unanimously by voice vote.

01:11:50 **Motion/Vote:** Sen. Osmundson moved that **DP406 FOR \$500,000 STATE SPECIAL REVENUE IN FY 2018 AND \$500,000 STATE SPECIAL REVENUE IN FY 2019 BE ADOPTED ONE TIME ONLY AND BIENNIAL.** Motion carried unanimously by voice vote.

01:12:36 **Motion/Vote:** Sen. Osmundson moved that **DP401 TO MOVE MHP PARTIALLY OUT OF HRSA FOR -\$1,834,099 HRSA IN FY 2018 AND - 3,668,198 HRSA IN FY 2019 APPROPRIATING \$1,834,099 TO MHP IN FY 2018 AND \$3,668,198 TO MHP IN FY 2019 BE ADOPTED.** Motion carried unanimously by voice vote.

01:13:52 **Motion/Vote:** Sen. Osmundson moved that **DP402 FOR -\$176,129 HRSA IN FY 2019 AND APPROPRIATING \$176,129 TO MLEA IN FY 2019 BE ADOPTED.** Motion carried unanimously by voice vote.

01:14:53 **Motion:** Sen. Osmundson moved that **DP403 ADD AUTHORITY IN PROGRAM 8 FOR \$800,00 STATE SPECIAL REVENUE IN FY 2018 BE ADOPTED BIENNIAL AND ONE TIME ONLY.**

Discussion:

01:16:03 Scott Conrady, LFD

01:16:18 **Vote:** Motion carried unanimously by voice vote.

01:16:32 **Motion/Vote:** Sen. Osmundson moved that **DP404 ADD AUTHORITY IN PROGRAM 8 \$900,000 STATE SPECIAL REVENUE IN FY 2019 -\$900,000 GENERAL FUND IN FY 2019 BE ADOPTED.** Motion carried unanimously by voice vote.

01:17:08 **Motion:** Sen. Osmundson moved that **DP405 ADD AUTHORITY TO PROGRAM 10 \$500,000 STATE SPECIAL REVENUE IN FY 2018 AND \$500,000 STATE SPECIAL REVENUE IN FY 2019 BE ADOPTED.**

Discussion:

01:18:01 Liz Bangerter, DOJ

01:18:24 Rep. Patelis

01:19:00 **Vote:** Motion carried unanimously by voice vote.

01:19:08	Scott Conrady, LFD
01:19:15	Rep. Dudik
01:19:46	Chair Brodehl
01:21:13	Rep. Dudik
01:21:31	Chair Brodehl
01:21:37	Scott Conrady, LFD
01:21:50	Chair Brodehl
01:22:11	Rep. Dudik
01:22:23	Chair Brodehl

ADJOURNMENT

Adjournment:
01:22:37

Alex Gray, Secretary

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Additional Documents:

EXHIBIT([jch35aad.pdf](#))